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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/777,350

02/05/2001

Robert A. Veschi

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11/03/2004

MORGAN, LEWIS & BOCKIUS, LLP.

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EXAMINER

PHAM, TUAN

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/777,350

Applicant(s)

VESCHI, ROBERT A.

Examiner

TUAN A PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 21-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-22, 24-29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levens et al. (U.S. Patent No.: 6,226,303, hereinafter, "Levens") in view of Brown (U.S. Patent No.: 5,822,406).

**Regarding claims 21, 24 and 25**, Levens teaches a circuit and method, (see figure 1) comprising:

one or more frequency filters (i.e., band pass filter) for detecting one or more frequencies corresponding to an incoming call signal in an audio input signal in an internet telephone device (see figure 1, high band pass filter 14, low band pass filter 16, col.3, ln.1-67).

It should be noticed that Levens fails to clearly teach one or more switches for routing the audio input signal to a speaker remote from a headset if one or more frequencies corresponding to an incoming call signal are detected and routing the audio input signal to the headset if the one or more frequencies corresponding to an incoming

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call signal are not detected. However, Brown teaches such features (see figure 2, 3, 14, SPK/HS\*, relay 216, speaker 220, headset 223, col.4, ln.21-40, col.6, ln.3-19, col.7, ln.35-52, col.11, ln.12-25) for a purpose of detecting a various devices.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of one or more switches for routing the audio input signal to a speaker remote from a headset if one or more frequencies corresponding to an incoming call signal are detected and routing the audio input signal to the headset if the one or more frequencies corresponding to an incoming call signal are not detected, as taught by Brown, into view of Levens in order to convenient for the user to select particular device who wants to use.

**Regarding claim 22**, Levens further teaches the circuit wherein the one or more frequency filters are band pass filters (see figure 1, band pass filters 14, 16, col.3, ln.1-20).

**Regarding claim 26**, Levens further teaches the method wherein the signal corresponding to an incoming call is a frequency (see col.2, ln.35-48).

**Regarding claim 27**, Levens further teaches the method wherein the signal corresponding to an incoming call is a plurality of frequencies (see col.2, ln.35-48).

**Regarding claim 28**, Levens further teaches the method wherein the signal corresponding to an incoming call is packet (see col.2, ln.35-48).

**Regarding claim 29**, Levens further teaches the method wherein the output signal is a tone signal (see col.2, ln.35-48).

**Regarding claim 31**, Levens teaches an Internet telephony device, (see figure 1), comprising:

an input device for receiving an audio input signal (see figure 1, input at band pass filters 14, 16).

a central processing unit with logic for analyzing the audio input signal (see figure 2, col.3, ln.1-55).

It should be noticed that Levens fails to clearly teach a central processing unit with logic detects a signal corresponding to an incoming call in the audio input signal, sends an output signal to a speaker remote from a headset if the signal corresponding to an incoming call is detected, and sends the audio input signal to the headset if the signal corresponding to an incoming call is not detected. However, Brown teaches such features (see figure 1B, figure 2, 3, 14, DSP 114, SPK/HS\*, relay 216, speaker 220, headset 223, col.4, ln.21-40, col.6, ln.3-19, col.7, ln.35-52, col.11, ln.12-25) for a purpose of detecting a various devices.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a central processing unit with logic detects a signal corresponding to an incoming call in the audio input signal, sends an output signal to a speaker remote from a headset if the signal corresponding to an incoming call is detected, and sends the audio input signal to the headset if the signal corresponding to an incoming call is not detected, as taught by Brown, into view of Levens in order to convenient for the user to select particular device who wants to use.

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levens et al. (U.S. Patent No.: 6,226,303, hereinafter, "Levens") in view of Brown (U.S. Patent No.: 5,822,406) as applied to claim 21 above, and further in view of Irie (U.S. Patent No.: 5,926,541).

**Regarding claim 23**, Levens and Brown, in combination, fails to clearly teach the circuit comprising one or more capacitors for filtering noise in the audio input signal. However, Irie teaches such features (see figure 6, capacitors C1, C2, col.5, ln.20-28) for a purpose of blocking the frequency signal.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the circuit comprising one or more capacitors for filtering noise in the audio input signal, as taught by Irie, into view of Levens and Brown in order to improve the audio signal in communication system.

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levens et al. (U.S. Patent No.: 6,226,303, hereinafter, "Levens") in view of Brown (U.S. Patent No.: 5,822,406) as applied to claim 21 above, and further in view of Moganti (U.S. Patent No.: 6,229,878).

**Regarding claim 30**, Levens and Brown, in combination, fails to clearly teach the method wherein the output signal is an announcement. However, Moganti teaches such features (see col.3, ln.10-43) for a purpose of notifying the user that he/she has the incoming calls.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the method wherein the output signal is an announcement, as taught by Moganti, into view of Levens and Brown in order to response the incoming call right away.

### **Conclusion**

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**

**Commissioner of Patents and Trademarks  
Washington, D.C. 20231**

**or faxed to:**

**(703) 872-9314 (for formal communications; please mark  
"EXPEDITED PROCEDURE")**

**Or:**

**If it is an informal or draft communication, please label  
"PROPOSED" or "DRAFT")**

**Customer Service (703) 306-0377**

**Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist)**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (703) 305-4987. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (703) 305-4708 and

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October 20, 2004  
Examiner

Tuan Pham

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600